REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 4-6, 8-11, 17 and 19-20 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-22 remain pending in this application.

Summary of Rejections:

Claims 1-17 and 19-22 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Publication No. 2006/0031768 to Shah et al. (hereinafter "Shah").

Claim 18 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shah in view of what was allegedly well known in the art.

Discussion of claim Rejections:

As previously argued by Applicant in response to the Examiner's rejections, Shah fails to teach or suggest at least the features of the pending claims that relate to (a) synchronizing the virtual devices and/or (b) the virtual devices including the data that is stored within the physical devices. In the present Office Action, the Examiner has maintained the rejection of claims 1-17 and 19-22 as allegedly being anticipated by Shah under 35 U.S.C. § 102(e).

In response to Applicant's arguments, the Examiner is asserting that, according to Merriam Webster dictionary, "synchronization" is defined as "to represent or arrange (events) to indicate coincidence or coexistence" or "to make synchronous in operation." See Office Action dated October 2, 2009, page 2, item 2. The Examiner is then arguing that Shah, in paragraph [0158], describes analyzing the compatibility of interfaces between the two devices in a "type checking" operation, which can be considered synchronizing the devices. See Office Action, dated October 2, 2009, page 2, item 2. The Examiner is also arguing that copying a program from a first device icon to a second device icon, which is allegedly described in paragraphs [0017], [0168], [0175] and [0257] of Shah, represents synchronizing the two program icons. See Office Action dated October 2, 2009, page 2, item 2. Applicant respectfully disagrees.

According to M.P.E.P. § 2111.01, Applicant can be his/her own lexicographer. In addition, M.P.E.P. § 2106(C) states: "Office personal must rely on the applicant's disclosure to properly determine the meaning of the claims."

In the present case, as also noted in Applicant's response to the November 7, 2008, Office Action, Applicant's originally filed specification describes "synchronization" operation in the context of the present application. In addition, Applicant has presented detailed arguments as to why the "type checking" operation that is described in Shah's disclosure fails to qualify as "synchronization" within the context of the pending claims. Applicant respectfully directs the Examiner's attention to the arguments set forth in Applicant's response to the November 7, 2008, Office Action, which is hereby incorporated by reference in its entirety.

Nevertheless, in order to expedite prosecution of the present application, Applicant has amended claim 1 to recite that "." Support for the amended features of claim 1 may be found in the originally filed specification and drawings at, for example, page 12, paragraphs [0042] and [0043]. As such, amended claim 1 further clarifies that synchronizing comprises updating one or more virtual devices with the data of a particular virtual device. The amended features of pending claim 1 are not taught or suggested by Shah and cannot be

construed as "type checking", which merely ensures compatibility of connections between the device icons.

As to Shah's description related to copying a program icon from one device to the another, this operation is described in paragraphs [0174] and [0175] of Shah as:

> "[0174] … in one embodiment the user may select various program icons, e.g., graphical program icons, from the relationship view (within or outside the configuration diagram) and associate (e.g., drag and drop) them with various device icons contained in the configuration diagram. The user may also select a program icon and associate the program icon with another program icon in the configuration diagram. This may cause a deployment of a program to another device …
>
> [0175] Deploying a program may comprise: 1) moving the program from a first device to a second device (where the program is deleted from the first device), 2) copying the program from a first device to a second device (where the program remains stored on the first device) …" (Emphasis added.)

Therefore, according to Shah, a user may associate a program icon with a device icon by dragging and dropping the program icon onto the device icon. As such, a user must be an active participant in the copying operation and, for example, drag and drop the program icon. In contrast, embodiments of the present invention do not require active participation of the user. For example, claim 1 recites that "the synchronizing comprises automatically updating the one or more other virtual devices," which is markedly different from Shah's operations. Such a feature allows the synchronization to be conducted in the background, without user actions such as initiating or obtaining authorization for the transfer. See, e.g., originally filed specification, page 12, paragraph [0043].

In addition, the above-noted sections of Shah describe copying a program a device onto another device. This operation merely creates a duplicate program onto a second physical device, with no indications that the program contents are retained within the icon that represents the physical device. In contrast, amended claim 1 specifically recites that the "synchronization comprises automatically updating the one or more other virtual devices with data associated with the particular virtual device." Such a feature allows the data that is

retained within a particular virtual device to be distributed to other virtual devices, regardless of whether or not other physical devices are currently connected. See, e.g., originally filed specification, page 12, paragraph [0043].

Therefore, Shah fails to teach or suggest at least the above-noted features of claim 1. Accordingly, claim 1 is patentable.

Applicant has amended independent claims 6, 9 and 20 to recite a similar feature as claim 1. Accordingly, claims 6, 9 and 20 are patentable for similar reasons as noted above in connection with claim 1.

As to claims 2-5, 7-8, 10-17, 19 and 21-22, these claims depend, either directly or indirectly, from one of allowable claims 1, 6, 9, or 20, and are, therefore, patentable for at least that reason, as well as for other patentable features when these claims are considered as a whole.

The Examiner has further rejected claim 18 under 35 U.S.C. § 103(a) for being allegedly unpatentable over Shah in view of what was well known in the art. Applicant respectfully disagrees with the Examiner, as claim 18 depends directly from allowable claim 9, and is therefore patentable for at least that reason, as well as for other patentable features when this claim is considered as a whole.

Applicant has further made minor amendments to claims 1, 4-6, 8-11, 17 and 19-20 to clarify some of the recited features, and to maintain consistency of claim language among the pending claims.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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